IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORIGINAL SIDE

APPEAL NO. 503 OF 2004
IN
NOTICE OF MOTION NO. 1611 OF 2004
IN
SUIT NO. 1345 OF 2004

1. Chirayu Jamnadas Bhatia & ors. Appellants

vs.

1. Bhavnaben J. Ashar & Anr. Respondents

Mr. N. K. Nesari for the appellants.
Mr. P. K. Samdani with Mr. Chetan Kapadia i/b. Mr. Vinod Mestry & Co. for the respondents.

CORAM : R.M. LODHA &
J. P. DEVADHAR,JJ.

Date : 16h August 2004

P.C.:

Heard.

2. Admit.

3. Returnable forthwith.

4. The advocate on record for respondents (original plaintiffs) waives service.

5. By consent appeal is heard finally at this stage.

6. Since the notice of motion is pending for disposal before the learned motion Judge we do not intend to deal with the diverse aspects on

merits, but suffice it to say that at ad interim stage such injunction order as has been passed by the learned motion Judge was neither necessary nor expedient. Interest of justice would have been met if the parties were directed to maintain status quo in respect of the subject properties until disposal of motion.

7. We, accordingly, dispose of the appeal by the following order:

(i) Until disposal of notice of motion no.1611/2004, the parties are directed to maintain status quo in all respects cocerning the subject properties.

(ii) The orders dated 14th July 2004 and 21st July 2004 are substituted by the aforesaid order.

(iii) We clarify that notice of motion shall be heard and disposed of by the learned motion Judge on its own merits uninfluenced by this order.

8. Appeal is disposed of accordingly.

9. No costs.

The parties may be provided ordinary copy of this order duly

authenticated by the Court Associate on payment of usual copying charges.

(R. M. LODHA, J.)

(J. P. DEVADHAR,J.)